

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY  
JOHN M.S. HOEFER  
RANDOLPH R. LOWELL  
ELIZABETH ZECK\*  
BENJAMIN P. MUSTIAN  
MICHAEL R. BURCHSTEAD  
ANDREW J. MACLEOD

AREA CODE 803  
TELEPHONE 252-3300  
TELECOPIER 256-8062

TRACEY C. GREEN  
ALAN WILSON  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX

March 12, 2009

The Honorable Charles Terreni  
Chief Clerk/Administrator  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas  
Company;  
Docket No. 2009-2-E

Dear Mr. Terreni:

South Carolina Electric & Gas Company ("Company" or "SCE&G") is hereby filing with the Public Service of South Carolina ("Commission") twenty-five (25) copies of the rebuttal testimony and exhibits of the following Company witnesses in the above-referenced docket:

1. Jimmy E. Addison (public version only);
2. Gerhard Haimberger (public and confidential version only);
3. John S. Beier (public and confidential version only);
4. Forrest E. Hill (public and confidential version only).

Due to the commercially sensitive and proprietary nature of certain of the issues discussed in the confidential version of the rebuttal testimony of Mr. Haimberger, Mr. Beier, and Mr. Hill, SCE&G respectfully requests that the Commission find that the confidential testimony of these witnesses contains protected information and issue a protective order barring the disclosure of the confidential testimony under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*, S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law, except in its public form. Additionally, SCE&G incorporates herein by reference its Motion for Confidential Treatment filed in this matter on March 9, 2009. As stated therein, SCE&G submits that the testimony of these witnesses includes Confidential Information that is proprietary, commercially and/or competitively sensitive or confidential or in the nature of a trade secret. Specifically, many, if not all, of the underlying contracts to be discussed by these witnesses contain confidentiality provisions that require SCE&G to protect proprietary information that the contractors or vendors believe to constitute trade secrets and to be commercially sensitive.

Furthermore, due to the highly competitive nature of the referenced industries, disclosure of this Confidential Information could adversely affect the Company's ability to enter into arms-length transactions with future vendors, thus resulting in the potential for less favorable terms and prices for SCE&G and its customers.

To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, we enclose with this letter a public version of the rebuttal testimony that protects from disclosure the sensitive, proprietary and commercially valuable information, while making available for public viewing non-protected information. We also enclose, in a separate, sealed envelope, a copy of the confidential testimony and respectfully request that, in the event that anyone should seek disclosure of this unredacted testimony, the Commission notify SCE&G of such request and provide it with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the unredacted testimony from disclosure.

By copy of this letter, we are providing all parties of record with a public copy of the testimony. Additionally, we are providing to the parties of record who have executed a confidentiality agreement with SCE&G a copy of the confidential version of the testimony.

Thank you for your assistance and consideration of this matter. If you have any questions, please do not hesitate to call me at your convenience. With best regards, I am,

Respectfully,

**WILLOUGHBY & HOEFER, P.A.**

s/Mitchell Willoughby

Mitchell Willoughby

MW/cgc  
enclosures

cc: Nanette S. Edwards, Esquire (via hand-delivery and electronic mail)  
Shannon B. Hudson, Esquire (via hand-delivery and electronic mail)  
Scott Elliott, Esquire (via hand-delivery and electronic mail)  
E. Wade Mullins (via hand-delivery and electronic mail)  
Joey R. Floyd, Esquire (via hand-delivery and electronic mail)  
Damon E. Xenopoulos, Esquire (via first class mail and electronic mail)  
K. Chad Burgess, Esquire (via electronic mail)